

I. Rejection of Claim 20 Under 35 U.S.C. 112, 2<sup>nd</sup> paragraph

The Examiner rejected claim 20 under 35 U.S.C. 112, second paragraph, for reciting the term "having." As amended, claim 20 depends from claim 13 and is drawn to a polypeptide "comprising" SEQ ID NO:3. Therefore, amended claim 20 is clear and definite, and the rejection of claim 20 under 35 U.S.C. 112, second paragraph, may be properly withdrawn. Withdrawal of this rejection is respectfully requested.

II. Rejection of Claim 20 Under 35 U.S.C. 112, 1<sup>st</sup> paragraph

The Examiner rejected claim 20 under 35 U.S.C. 112, first paragraph, on the basis that ...the specification, while being enabling for 'compositions comprising the protein having the amino acid sequence of SEQ ID NO:3 in conjunction with a suitable pharmaceutical carrier,' does not reasonably provide enablement for claims broadly drawn to '**pharmaceutical** compositions comprising the protein having the amino acid sequence of SEQ ID NO:3 in conjunction with a suitable pharmaceutical carrier.'

Applicants submit that the term "pharmaceutical composition" is fully supported by the specification. However, in the interest of expediting prosecution, claim 20 as amended no longer recites a "pharmaceutical" composition.

As claim 20 is fully enabled, the rejection of claim 20 under 35 U.S.C. 112, first paragraph, may be properly withdrawn. Withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 13 Under 35 U.S.C. 102(a)

The Examiner rejected claim 13 under 35 U.S.C. 102(a) as being anticipated by Lehninger. The basis for this rejection is the recitation of "fragments" in claim 13. As amended, claim 13 does not recite "fragments." Therefore, claim 13 is not anticipated by Lehninger, and the rejection of claim 13 under 35 U.S.C. 102(a) may be properly withdrawn. Withdrawal of this rejection is respectfully requested.

CONCLUSION

In light of the above amendments and remarks, Applicants submit that the present application is fully in condition for allowance, and request that the Examiner withdraw the outstanding rejections. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact Applicants' Patent Agent at (650) 845-4892.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Incyte Pharmaceuticals, Inc. Deposit Account No. **09-0108**. This form is enclosed in duplicate.

Respectfully submitted,  
INCYTE PHARMACEUTICALS, INC.

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